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500.34763CX4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: H. MASUI, et al

Serial No.: 10/023,736

Filed: December 21, 2001

For: CDMA MOBILE COMMUNICATION SYSTEM AND  
COMMUNICATION METHOD

Group: 2616

Examiner: S. H. D. Nguyen

**RESPONSE**

**MS Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 14, 2006

Sir:

The present application has pending claims 18-27.

Claims 18-26 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 18-26 of copending application Serial No. 10/023,737, filed December 21, 2001 in view of Chang. Applicants do not agree with this rejection. However, in order to expedite prosecution of the present application filed on even date is a Terminal Disclaimer obviating this rejection. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the filing of the Terminal Disclaimer was not intended nor should it be considered as an agreement on Applicants' part that the features recited in the claims are taught or suggested by the claims of the copending application in combination with Chang. The filing of the Terminal Disclaimer was simply intended to expedite prosecution of the present application.

In view of the foregoing amendments and remarks, applicants submit that claims 18-27 are in condition for allowance. Accordingly, early allowance of claims 18-27 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.34763CX4).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



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CIB/jdc  
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